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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/827,170  | 04/06/2001  | Shuhei Iizuka        | 108340              | 4382             |
| 25944   | 7590        | 04/06/2004           | EXAMINER            |                  |
| OLIFF & BERRIDGE, PLC<br>P.O. BOX 19928<br>ALEXANDRIA, VA 22320 |             |                      | KNABLE, GEOFFREY L  |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 1733                |                  |

DATE MAILED: 04/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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| APPLICATION NO./<br>CONTROL NO. | FILING DATE | FIRST NAMED INVENTOR /<br>PATENT IN REEXAMINATION | ATTORNEY DOCKET NO. <sup>AS</sup> |
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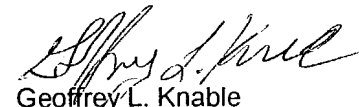
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Commissioner for Patents

See attachment re:non-responsive amendment.

  
Geoffrey L. Knable  
Primary Examiner  
Art Unit: 1733

### Notice of Non-Responsive Amendment

1. The amendment filed on 1-8-2004 canceling all claims drawn to the elected (i.e. originally presented) invention and presenting only claims drawn to a non-elected invention is **non-responsive** (MPEP § 821.03). The remaining claims are not readable on the elected (i.e. originally presented) invention because the original claims as presented were all directed to a "method of producing a pneumatic tire" whereas the new claims are all directed to a "method for producing a tire reinforcing member in the form of an annular laminated body<sup>1</sup>", i.e. the new claims seem to be directed solely to producing a tire reinforcing member, i.e. a subcomponent of a tire, rather than a tire itself (i.e. rather than forming the subcomponent and joining it with the green tire as in the originally presented claims). Thus the new claims are considered to be related to the original claims in a "combination-subcombination relationship."

Thus, Inventions I (the original claims directed to making a tire) and II (the new claims directed to making a reinforcing member) are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other

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<sup>1</sup> It is noted that although all of the newly presented claims define in the preamble that they are directed to producing "a tire reinforcing member", the body of claim 17 seems to evidence perhaps some intent to actually be making a tire (note references to a green tire) rather than just a component for a tire. If this is the intent, then the claim preamble should be amended to make this clear along with a clearer indication that the extruded ribbon is extruded onto **the tire** not onto the "carrier" as now claimed. Such a claim (i.e. to making a tire) would be considered to be within the originally presented claim grouping. It should additionally be noted however that if claim 17 is intended to be directed to the in situ embodiment, this new claim is somewhat confusing in referring to a disk-shaped carrier since the only original description of such a carrier is for the preforming embodiment (fig. 9) to which new claim 11 is directed. There is no suggestion that the "in-situ" embodiment uses a disk shaped carrier – rather, the carrier in such case would have been understood to be the tire building drum.

Art Unit: 1733


combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because, since presented claims are assumed to be patentable, the omission of specific details of the claimed subcombination (e.g. extruder, disk, specific movement capabilities, etc.) in the previously presented combination claims is evidence that the patentability of the combination does not rely on the details of the specific subcombination. The subcombination has separate utility such as for example in forming reinforced end caps for cylindrical storage tanks or annular rubber gasket materials.

Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a **TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS**, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.**

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geoffrey L. Knable whose telephone number is 571-272-1220. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Geoffrey L. Knable  
Primary Examiner  
Art Unit 1733

G. Knable  
April 2, 2004